

Message Text

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ACTION OES-04

INFO OCT-01 IO-10 ISO-00 FEA-01 ACDA-05 CIAE-00 INR-07

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FM USMISSION IAEA VIENNA

TO SECSTATE WASHDC PRIORITY 6317

INFO USERDA GERMANTOWN PRIORITY

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DEPT PASS NRC

E.O. 11652: N/A

TAGS: IAEA, TECH, PARM

SUBJECT: IAEA RECOMMENDATIONS ON PHYSICAL PROTECTION

REF: STATE 197873

1. IN CONSIDERING WHAT, IF ANY, ACTION RE SUBJECT DOCUMENT MIGHT BE TAKEN BY SEPTEMBER MEETING BOARD GOVS, MISSION HAS OBTAINED DETAILS OF FRENCH ATTITUDE TOWARD SUBJECT AND SECRETARIAT RESPONSES TO DATE.

2. DRAFT DOCUMENT DISTRIBUTED TO CONSULTANTS IN MAY CONTAINED FOLLOWING STATEMENT IN INTRODUCTION: QUOTE RECOMMENDATIONS FOR PHYSICAL PROTECTION HAVE BEEN DEVELOPED BY AN ADVISORY GROUP OF EXPERTS WORKING UNDER AGENCY SPONSORSHIP. THEY REPRESENT THE CONCLUSIONS OF THE EXPERTS FOR AN OPTIMIZED SYSTEM AND THEY ARE RECOMMENDED FOR USE BY STATES AS REQUIRED IN THEIR PHYSICAL PROTECTION SYSTEMS. UNQUOTE

3. APART FROM ANY SUBSTANTIVE COMMENTS WHICH MAY HAVE BEEN MADE BY THE FRENCH CONSULTANT, MR. DESNEIGES
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(WHO HAD PARTICIPATED ONLY IN THE LAST HALF OF THE

APRIL ADVISORY GROUP) GOLDSCHMIDT WROTE DR GEN EKLUND ON JUNE 5, SAYING (INFORMAL TRANSLATION) QUOTE AS YOU KNOW, THE GROUP WAS NOT ABLE TO TAKE UP ALL SUGGESTIONS PUT FORWARD BY THE EXPERTS, NOTABLY CERTAIN OF THOSE PRESENTED BY MR. DESNEIGES. IT IS VERY UNDERSTANDABLE THAT SUCH A GROUP COULD NOT REACH AGREEMENT ON ALL POINTS, AND I THEREFORE HAVE NO OBJECTION THAT THESE RECOMMENDATIONS BE PUBLISHED IN THE FORM IN WHICH YOU HAVE SUBMITTED THEM TO MR. DESNEIGES. IT WOULD, HOWEVER, BE DESIRABLE, TO AVOID ANY MISUNDERSTANDING, THAT THE LIST OF PARTICIPANTS BE ACCOMPANIED BY A NOTE INDICATING THAT THE MENTION OF THEIR PARTICIPATION DOES NOT MEAN THAT THEY HAVE REACHED AGREEMENT ON ALL THE POINTS CONTAINED IN THAT RECOMMENDATION. QUOTE I ALSO BELIEVE IT USEFUL TO STRESS THAT THESE PROBLEMS OF PHYSICAL PROTECTION, WHICH ARE NECESSARILY VERY DEPENDENT ON THE STRUCTURE, THE ORGANIZATION AND THE CUSTOMS WHICH PREVAIL IN EACH STATE FOR THE PROTECTION OF SECURITY AND PUBLIC ORDER, HARDLY LEND THEMSELVES, FOR THIS SAME REASON, TO THE FORMULATION OF UNIVERSALLY APPLICABLE RULES OR PRINCIPLES. THE EXPERTS HAVE DONE THEIR BEST TO ARRIVE AT AN AGREEMENT ON THIS, BUT IT WOULD BE USEFUL AGAIN TO STRESS THAT SUCH WAS NOT DONE, THAT THE QUALITY OF THE SYSTEM OF PHYSICAL PROTECTION OF EACH STATE DEPENDS ABOVE ALL ON ITS GOOD ADAPTATION TO THE RULES AND METHODS OF PROTECTION OF PUBLIC SECURITY IN THAT STATE. IT FOLLOWS THAT THE RECOMMENDATIONS DRAWN UP BY THE EXPERTS SHOULD BE PRESENTED AS AN EXAMPLE OF WHAT CAN BE DONE AND NOT AS "AN IDEAL SYSTEM," AN EXPRESSION WHICH GIVES THE IMPRESSION THAT THIS SYSTEM WOULD BE THE BEST FOR ANY STATE, WHICH CANNOT BE THE CASE. QUOTE I THINK, THEN THAT THE IAEA SHOULD ESTABLISH CERTAIN PRIORITIES IN ITS CONCERNS IN THIS FIELD; WHILE ONE CAN IMAGINE THAT AN EQUAL DEGREE OF PHYSICAL PROTECTION IN THE INTERIOR OF EACH STATE CAN BE ATTAINED BY VERY DIFFERENT MEANS FROM ONE TO THE OTHER, BY THE SAME TOKEN, THE NECESSITIES OF INTERNATIONAL TRANSPORT LEAD TO THE DESIRE FOR A CERTAIN DEGREE OF HARMONIZATION OF THE ARRANGEMENTS, AND LIMITED OFFICIAL USE

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PROCEDURES WHICH ARE APPLICABLE TO IT IN TERMS OF PHYSICAL PROTECTION. I BELIEVE, THEREFORE, THAT IT IS ON THIS LATTER POINT THAT THE IAEA COULD MOST USEFULLY CONCENTRATE ITS FUTURE EFFORTS. UNQUOTE.

4. INITIAL RESPONSE OF SECRETARIAT WAS TO DRAFT PREFACE TO DOCUMENT STATING THAT NOT ALL CONSULTANTS AGREED WITH EVERY RECOMMENDATION. WHEN THIS WAS COMMUNICATED

TO UK, F. BROWN SENT MESSAGE OBJECTING, SAYING THAT
LANGUAGE QUOTE CLEARLY WATERS DOWN POSSIBLE IMPACT UN-
QUOTE.

5. SECRETARIAT THEN CONSIDERED DELETING PREFACE AND USING
STATEMENT AS FOOTNOTE TO LIST OF PARTICIPANTS IN APPENDIX.
DIR GEN EKLUND, HOWEVER, INSTRUCTED SECRETARIAT TO ISSUE
DOCUMENT, "WITHOUT FURTHER EXTERNAL CONSULTATION" AS INFCIRC
WITH PREFACE TO EFFECT THAT DOCUMENT REPRESENTS
RECOMMENDATIONS MADE TO DIR GEN BY GROUP OF EXPERTS
HE CONVENED AND THAT HE CONSIDERS THOSE RECOMMENATIONS
SHOULD BE BROUGHT TO ATTENTION OF MEMBER STATES.

6. ACCORDINGLY, DOCUMENT (ENGLISH VERSION) WAS GIVEN
TO PRINTERS (AND TRANSLATORS) AUGUST 22, WITH COVER
PAGE BEARING ONLY TITLE "THE PHYSICAL PROTECTION OF NUCLEAR
MATERIAL," AGENCY NAME AND LOGO. PREFACE READS QUOTE AT
THE INVITATION OF DIRECTOR GENERAL A SET OF RECOMMENDATIONS
FOR THE PHYSICAL PROTECTION OF NUCLEAR MATERIAL IN USE,
STORAGE AND TRANSPORT WAS PREPARED BY A PANEL OF
EXPERTS IN 1972. EARLY IN 1975 THESE RECOMMENDATIONS

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WERE REVIEWED BY A GROUP OF EXPERTS FOR THE PURPOSE OF
BRINGING THEM UP TO DATE BY REFLECTING IN THEM THE PROGRESS
IN PHYSICAL PROTECTION WHICH HAS BEEN MADE IN THE MEANTIME

AND BY TAKING INTO ACCOUNT ADDITIONAL PROBLEMS CREATED BY THE INCREASING USE OF NUCLEAR ENERGY FOR PEACEFUL PURPOSES. IN THIS BOOKLET THE RECOMMENDATIONS AS THUS REVISED ARE BROUGHT TO THE ATTENTION OF ALL MEMBERS. UNQUOTE.

7. APPENDIX LISTING PARTICIPANTS HAS BEEN DELETED FROM BOOKLET.

8. ENGLISH LANGUAGE VERSION OF INFCIRC IN BOOKLET FORM EXPECTED TO BE DISTRIBUTED TO ALL MEMBER STATES TO SEPTEMBER 19 BOARD MEETING. SECRETARIAT, AT MISSION'S SUGGESTION, ALSO CONSIDERING PRESS RELEASE RE ISSUANCE INF/CIRC.

9. GIVEN THAT THE RECOMMENDATIONS WILL HAVE BEEN ISSUED IN BOOKLET FORM, AS AN INFCIRC, FREE OF ANY EQUIVOCATION, WITHOUT ANY ACTION BY THE BOARD, WE NOW BELIEVE IT WOULD BE UNDESIRABLE FOR ANY INITIATIVE TO BE TAKEN ON THE SUBJECT AT SEPTEMBER 19 BOARD MEETING. ANY INTRODUCTION OF SUBJECT WILL TRIGGER DEBATE, LED BY GOLDSCHMIDT, OUTCOME OF WHICH MOST LIKELY WILL BE UNHELPFUL.

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10. WE DO NOT RULE OUT POSSIBILITY THAT GOLDSCHMIDT WILL INTRODUCE SUBJECT AT SEPTEMBER 19 BOARD IN ORDER TO CRITICIZE SECRETARIAT ACTION AND TO PLACE ON RECORD NEGATIVE VIEWS IN MORE HARSH TERMS THAN EXPRESSED IN HIS LETTER TO EKLUND. US DEL, ALONG WITH OTHERS, WILL NEED TO BE PREPARED TO RESPOND TO SUCH ACTION, IN ORDER TO AVOID LOSS OF STATUS TO RECOMMENDATIONS AS ALREADY ISSUED BY SECRETARIAT.

11. WHILE ANY DISCUSSION BY BOARD UNLIKELY TO PROVIDE VISIBILITY OF FORWARD MOTION, ACTION IN GENERAL CONFERENCE WOULD APPEAR (A) MORE VISIBLE AND (B) MORE AMENABLE TO MANAGEMENT IN ORDER TO DEMONSTRATE CONSTRUCTIVE MOVEMENT. FOR EXAMPLE, APPROPRIATE RESOLUTION COULD BE ADOPTED, NOTING AND WELCOMING ISSUANCE OF INFCIRC AND CALLING UPON ALL MEMBER STATES TO CONSIDER RECOMMENDATIONS, ETC. WE BELIEVE THAT GOLDSCHMIDT'S LETTER TO EKLUND WILL BE USEFUL IN DRAFTING SUCH RESOLUTION IN ORDER TO AVOID LANGUAGE OBJECTIONABLE TO FRENCH OR OTHERS PREOCCUPIED WITH PROTECTING NATIONAL PREROGATIVES.

12. SUCCESS OF GENERAL CONFERENCE INITIATIVE WOULD ONLY BE REASONABLY ASSURED, HOWEVER, IF DISCUSSION IN SEPTEMBER 19 BOARD CAN BE AVOIDED. PRE-BOARD CONSULTATIONS, PARTICULARLY WITH GOLDSCHMIDT, WOULD NEED TO BE DIRECTED TOWARD THAT END. ONLY AFTER BOARD MEETING

WOULD IDEA OF GENERAL CONFERENCE RESOLUTION BE FLOATED
TO OTHERS AND ONLY IF RESULTS OF BOARD MEETING ARE
FAVORABLE.

13. MISSION MEANWHILE PREPARED DRAFT APPROPRIATE
GENERAL CONFERENCE RESOLUTION. ADVISE.LABOWITZ

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